

LYLE S. HOSODA & ASSOCIATES, LLC

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Attorneys for Defendants
BRIAN CHRISTENSEN, MARK DILLON, TERESA NOA,
MELVIN PONCE, SONIA PURDY, JUSTIN FUKUMOTO,
ALFREDDA WAIOLAMA, and JACQUELINE RIO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	DEFENDANTS BRIAN CHRISTENSEN,
v.	)	MARK DILLON, TERESA NOA,
	)	MELVIN PONCE, SONIA PURDY,
HAWAIIAN EXPRESS SERVICE,	)	JUSTIN FUKUMOTO, ALFREDDA
INC., a California	)	WAIOLAMA, AND JACQUELINE RIO'S
corporation; H.E.S.	)	STATEMENT OF CONSULTATION;
TRANSPORTATION SERVICES, INC.,	)	DECLARATION OF LYLE S. HOSODA;
a California corporation;	)	CERTIFICATE OF SERVICE
CALIFORNIA PACIFIC)	
CONSOLIDATORS, INC., a)	
California corporation;)	
JEFFREY P. GRAHAM and PETER)	
SCHAUL, California citizens;)	
MARK DILLON and TERESA NOA,)	
BRIAN CHRISTENSEN, Hawaii)	
citizens; FLEMING COMPANIES,)	
INC., an Oklahoma corporation;	)	Mon-Hearing Motion
C & S LOGISTICS OF HAWAII,	)	Magistrate: Hon. Leslie E.
LLC, a Delaware LLC; C & S	)	Kobayashi
WHOLESALE GROCERS, INC., a)	
Vermont corporation; C & S	)	[caption continued on next
ACQUISITIONS, LLC; FOODLAND	)	page]
SUPER MARKET, LIMITED, a)	
Hawaii corporation; HAWAII)	

TRANSFER COMPANY, LIMITED, a)	
Hawaii corporation; RICHARD)	
COHEN, New Hampshire citizen;)	
ES3, LLC, a Delaware Limited)	
Liability Company, MELVIN)	
PONCE, SONIA PURDY, JUSTIN)	
FUKUMOTO, ALFREDDA WAIOLAMA,)	
JACQUELINE RIO, Hawaii)	
citizens; JESSIE GONSALVES,)	
LUIZ RODRIGUES, AL PEREZ and)	
PATRICK HIRAYAMA, California)	
citizens; GUIDANCE SOFTWARE,)	
LLC, a California LLC; MICHAEL)	
GURZI, a California citizen;)	
ALIX PARTNERS, LLC, a Delaware)	
LLC; DOE INDIVIDUALS 2-350;)	
DOE PARTNERSHIPS, CORPORATIONS)	
and OTHER DOE ENTITIES 2-20,	)	Trial: February 28, 2006
	)	Judgment: March 9, 2006
Defendants.)	
)	

**DEFENDANTS BRIAN CHRISTENSEN, MARK DILLON, TERESA NOA,
MELVIN PONCE, SONIA PURDY, JUSTIN FUKUMOTO, ALFREDDA WAIOLAMA,
AND JACQUELINE RIO'S STATEMENT OF CONSULTATION**

Pursuant to Local Rule 54.3(b), Defendants Brian Christensen, Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfredda Waiolama, and Jacqueline Rio ("Employees"), hereby submit their Statement of Consultation.

On March 23, 2006, the Employees filed their Motion for Attorneys' Fees and Costs. On March 28, 2006, the Employees' counsel and Plaintiff's counsel met and conferred. Counsel for the Employees and for the Plaintiff attempted, in good faith, to reach an agreement regarding their clients' respective motions for attorneys' fees and costs, in accordance with Local Rule 54.3(b). Unfortunately, the parties were unable to reach an agreement. See Declaration of Lyle S. Hosoda.

Dated: Honolulu, Hawaii, April 6, 2006.

/s/ Lyle S. Hosoda

LYLE S. HOSODA

RAINA P.B. MEAD

Attorneys for Defendants

BRIAN CHRISTENSEN, MARK DILLON,
TERESA NOA, MELVIN PONCE, SONIA
PURDY, JUSTIN FUKUMOTO, ALFREDDA
WAIOLAMA, and JACQUELINE RIO